



DEPARTMENT OF TRANSPORTATION,  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

35172

[Docket No. HM-57; Amdt. Nos. 172-28,  
173-86]

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-179 OF THIS SUBCHAPTER

PART 173—SHIPPERS

Fluoboric Acid

On December 28, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendments 172-22, 173-77, and 178-30 in Docket No. HM-57 (38 FR 35467) which identified specifically by name a number of corrosive materials that would have been shipped as "Corrosive liquids, n.o.s." or "Corrosive solids, n.o.s." pursuant to the amendments dated March 23, 1972 (37 FR 5946). In the amendments published on December 28, 1973, the Board required that fluoboric acid be packaged according to the requirements set forth in § 173.264(a).

Three petitions for reconsideration of this amendments have been received: rstan Chemical Corporation, Allied emical Corporation, and the Harshaw emical Company. These companies advised the Board that the type of packaging in use at this time for this material was the packaging authorized in § 173.245. Further, each petitioner reported very satisfactory experience when using certain packagings specifically in use.

One petitioner furnished detailed amplifying information on the hazards of certain concentrations of fluoboric acid, setting forth valid reasoning why these materials are significantly different than hydrofluoric acid which is covered by § 173.264. This section of regulation is more stringent in its packing requirements and all petitioners argued that these restrictions were inordinate for the less hazardous material, fluoboric acid.

One petitioner based his petition on the fact that the proposed change in packaging, when published in notice form, was overlooked and for that reason no comments were submitted. In the amendment, a change in format in presenting the new regulations resulted in bringing the matter to petitioner's attention.

The Board has reviewed these petitions, and on the basis of the facts presented and the arguments for reconsideration, agrees that the regulations for packaging of fluoboric acid are overly restrictive.

In consideration of the foregoing, 49 FR Parts 172 and 173 are revised as follows:

In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.  
(a) . . .

Article	Classed as—	Exemptions and packing (see section)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Fluoboric acid (change)	Cor.	173.244, 173.283	Corrosive	1 gal.

(A) In Part 173 Table of Contents, § 173.264 is revised and § 173.283 is added to read as follows:

Sec.

173.264 Hydrofluoric acid; White acid.  
173.283 Fluoboric acid.

(B) In § 173.264, the Heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.264 Hydrofluoric acid; white acid.

(a) Hydrofluoric acid and white acid (ammonium bifluoride and hydrochloric acid mixture), each must be packed in specification packaging as follows:

(C) § 173.283 is added to read as follows:

§ 173.283 Fluoboric acid.

(a) Fluoboric acid exceeding 50 percent concentration must be packed as prescribed in § 173.264(a) for hydrofluoric acid.

(b) Fluoboric acid of 50 percent concentration or less must be packed as follows:

(1) In specification packaging as prescribed in paragraph (a) of this section.

(2) In specification packaging as prescribed in § 173.245(a) (12), (16), (18), (19), (21), (24), and (26).

These amendments are effective September 30, 1974.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6; Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h); Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), 1655(c)).)

Issued in Washington, D.C. on September 24, 1974.

ROBERT A. KAYE,  
Board Member for the  
Federal Highway Administrator.

C. R. MELUGIN, Jr.  
Alternate Board Member for the  
Federal Highway Administration.

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